

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Sherrod V. Bright,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 4:07-3002-TLW-TER
)	
U.S. Department of Justice Drug)	
Enforcement Administration and)	
Florence County Sheriff's Department,)	
)	
Defendants.)	
_____)	

ORDER

The plaintiff, Sherrod V. Bright (“plaintiff”), proceeding *pro se*, brought this action pursuant to Bivens v. Six Unknown Named Agents of Federal Narcotics Agents, 403 U.S. 388 (1971), alleging that the defendants violated his constitutional rights by seizing his vehicle and \$36,110.00 following a traffic stop. The U.S. Department of Justice Drug Enforcement Administration (“DEA”) filed a motion to dismiss the action. (Doc. #20). The plaintiff was advised, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), that a failure to respond to the motion to dismiss could result in dismissal of his complaint. (Doc. #22). The plaintiff responded to the motion to dismiss. (Doc. #25). All pretrial proceedings in this case were referred to Magistrate Judge, Thomas E. Rogers, III, pursuant to the provisions of 28 U.S.C. § 363(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(e), DSC.

This matter initially came before this Court for review of the Report and Recommendation (“Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #49). The plaintiff filed objections to the Report. (Doc. #54). The Report recommended that the

DEA's motion to dismiss be granted without prejudice. The Report explained that the plaintiff should pursue his claim for return of the seized property through his separate forfeiture case (4:07-cv-0029). (Doc. #49). This Court accepted the Report in its Order dated September 15, 2008. (Doc. #57). The Report of the Magistrate Judge recommended that only the claims against the DEA were to be dismissed. Subsequent to this Order, judgment was mistakenly entered reflecting that the case had been dismissed in its entirety. (Doc. # 58). Pursuant to the Report of the Magistrate Judge, this Court intended to dismiss only the claims against the DEA. This Court issued an Amended Order clarifying that the claims against defendant Florence County Sheriff's Department remained pending, and noting that the civil action would be reopened. (Doc. #71).

Days before the case was reopened, the Florence County Sheriff's Department, the remaining defendant, filed a motion to dismiss the complaint. (Doc. #70). On December 24, 2008, the Magistrate Judge issued a Roseboro Order directing the plaintiff to respond to the Florence County Sheriff Department's motion to dismiss within 34 days. (Doc. #74). A response was due on January 34, 2009. No response was filed by the plaintiff.

This matter now comes before this Court for review of the Report and Recommendation ("the Report") filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #89). On June 4, 2009, the Magistrate Judge issued the Report addressing defendant Florence County Sheriff Department's motion to dismiss the complaint on the merits. In the Report, the Magistrate Judge recommends that the Florence County Sheriff Department's motion be granted and that this action be dismissed. (Doc. #89). The plaintiff filed no objections to the report. Objections were due on June 22, 2009.

This Court is charged with conducting a de novo review of any portion of the Magistrate

Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #89).

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

July 29, 2009
Florence, South Carolina